

AMENDMENTS TO THE CLAIMS

1 – 5 (canceled)

6. (New) Gene *XC1950*, which encodes phosphoenolpyruvate synthase and has one of the following sequences:

the nucleotide sequence of SEQ ID NO:1; and

a DNA sequence which has more than 80% homology with SEQ ID NO:1 and encodes a protein having the same function as the phosphoenolpyruvate synthase encoded by the sequence of SEQ ID NO:1.

7. (New) The gene of claim 6, wherein the gene has the DNA sequence of SEQ ID NO:1.

8. (New) The gene of claim 6 wherein the Open Reading Frame of the gene is from nucleotide 201 to 2576 from its 5' end.

9. (New) The gene of claim 7 wherein the Open Reading Frame of the gene is from nucleotide 201 to 2576 from its 5' end.

10. (New) Use of the gene of claim 6 in preventing and treating plant diseases.

11. (New) Use of claim 10, wherein the gene can be used as a target for medicament treatment.